

**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Consumer Protection and Safety Division  
Rail Transit Safety Section

Resolution ST-65  
October 2, 2003

**R E S O L U T I O N**

RESOLUTION ST-65 GRANTING APPROVAL OF A  
REPORT CONCERNING THE 2003 SAFETY AUDIT OF THE  
SAN DIEGO TROLLEY, INC.

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**Summary**

This resolution approves the Consumer Protection and Safety Division's Rail Transit Safety Section final audit report titled, "TRIENNIAL ON-SITE SAFETY AUDIT OF THE SAN DIEGO TROLLEY, INC.," dated August 29, 2003. San Diego Trolley, Inc. (SDTI) is ordered to implement the recommendations contained in the report and to provide monthly progress reports to the Rail Transit Safety Section.

**Background**

Commission General Order No. 164-C, "Rules and Regulations Governing State Safety Oversight of Rail Fixed Guideway Systems" and Federal Transit Administration (FTA) Final Rule 49 CFR, Part 659, "State Safety Oversight of Rail Fixed Guideway Systems" require the Commission, as the designated state safety oversight agency for California, to conduct on-site safety reviews of transit agencies operating rail fixed guideway systems at least once every three years. Following the completion of each review, the Commission is required to issue a report containing its findings and recommendations. This report must also contain a determination of whether or not the transit agency's system safety program plan should be updated.

Staff of the Rail Transit Safety Section of the Commission's Consumer Protection and Safety Division conducted an on-site safety audit of SDTI's rail transit system and safety program beginning March 28 and concluding May 2, 2003. Staff conducted a post-audit exit conference with SDTI on Wednesday May 14, 2003.

The methods used to conduct the audit included:

- a. Discussions with MTDB and SDTI management
- b. Reviews of procedures and records
- c. Observation of operations and maintenance activities
- d. Interviews with rank and file employees
- e. Inspections and measurements of equipment and infrastructure

A full description of the audit, including the scope, results and recommendations, is contained in the final audit report, which is attached to this resolution as Attachment A.

The results of the audit show that SDTI is in substantial compliance with and effectively implementing its System Safety Program. However, some program deficiencies were identified during the audit. These deficiencies, along with recommendations for corrective actions, are described, where applicable, in the Activities/Findings/Comments section of each checklist and in the FINDINGS AND RECOMMENDATIONS section contained in the body of the final report. A complete listing of recommendations for each identified deficiency is contained in the report's Appendix C. Thirteen of the twenty-five checklists were identified as being deficient in one or more aspects of the system safety program.

### **Protests**

Staff provided a preliminary draft of the audit report to SDTI for review on July 22, 2003. The letter informed SDTI that a 30-day review and comment period of the draft report and recommendations would end on August 22, 2003. Staff received SDTI's letter dated August 20, 2003, which accepted staff's twenty-four recommendations identified in the draft audit report.

**Discussion**

Attachment A, the final report concerning the “TRIENNIAL ON-SITE SAFETY AUDIT OF THE SAN DIEGO TROLLEY, INC.” represents the condition of SDTI’s system safety program, based on staff’s findings and includes staff’s recommendations for appropriate corrective actions.

SDTI initiated actions to correct identified safety program deficiencies while staff was still conducting the audit. SDTI reported that several deficiencies were corrected prior to the issuance of staff’s preliminary draft audit report and that corrective actions that have been initiated for most of the remaining safety program deficiencies.

SDTI has indicated to staff that it will continue its efforts to complete the corrective actions and to provide regular monthly reports concerning the status of its corrective actions until they are completed.

The Consumer Protection and Safety Division recommends that the Commission approve the Rail Transit Safety Section’s final audit report titled, “TRIENNIAL ON-SITE SAFETY AUDIT OF THE SAN DIEGO TROLLEY, INC.,” dated August 29, 2003. It also recommends that the Commission order SDTI to:

- Submit a report to the Rail Transit Safety Section, which includes the status of corrective actions for safety program deficiencies identified during the audit;
- Submit plans and schedules for implementing or completing the remaining recommended corrective actions contained in the report;
- Implement the remaining recommendations in accordance with the plans and schedules submitted and;
- Continue to provide the Rail Transit Safety Section with monthly reports on the status of the corrective actions until they are complete and implemented.

**Comments**

All parties in the proceeding have agreed to waive the 30 day waiting period and the opportunity to file comments on the draft resolution, required by Public Utilities Code section 311(g)(1). Accordingly, this matter will be placed on the Commission's agenda for prompt action.

**Therefore, IT IS ORDERED that:**

1. The Consumer Protection and Safety Division's request for approval of the Rail Transit Safety Section's final audit report titled, "TRIENNIAL ON-SITE SAFETY AUDIT OF THE SAN DIEGO TROLLEY, INC.," dated August 29, 2003, is granted.
2. San Diego Trolley, Inc. shall submit to the staff of the Rail Transit Safety Section, plans and schedules for implementing all recommended corrective actions, which have not already been completed, that are contained in the final audit report. Those plans and schedules shall be submitted no later than 60 days from the effective date of this resolution.
3. San Diego Trolley, Inc. shall complete and implement all recommended corrective actions contained in the report, in accordance with plans and schedules submitted to the Rail Transit Safety Section staff.
4. San Diego Trolley, Inc. shall continue to prepare and provide monthly status reports to the Rail Transit Safety Section. The reports shall contain detailed information on the implementation of all remaining recommended corrective actions contained in the final audit report. The monthly status reports shall continue to be provided until all recommended corrective actions are completed and implemented.

5. This resolution is effective today.

I certify that this resolution was adopted by the Public Utilities Commission of the State at its regular meeting in California held on October 2, 2003. The following Commissioners voting favorably thereon:

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WILLIAM AHERN  
Executive Director

MICHAEL R. PEEVEY  
President

CARL W. WOOD  
LORETTA M. LYNCH  
GEOFFREY F. BROWN  
Commissioners

Commissioner Susan P. Kennedy, being necessarily absent, did not participate.